



Agenda Date: 2/11/09

Agenda Item: 8C

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

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CLEAN ENERGY

IN THE MATTER OF THE CLEAN ENERGY PROGRAM
AUTHORIZATION OF CUSTOMER ON-SITE)
RENEWABLE ENERGY REBATES EXCEEDING
\$100,000: RECONSIDERATION OF WY INDUSTRIES

DOCKET NOS. EX04040276
& EO07100816

(SERVICE LIST ATTACHED)

BY THE BOARD

By Order dated November 9, 2007, Docket No. EX04040276 ("November 9 Order"), the Board of Public Utilities ("Board") approved Customer On-Site Renewable Energy ("CORE") program rebate applications, including a project proposed by WY Industries, Docket No. EO07100816. The Board approved the WY Industries' project for a rebate amount of \$504,268. WY Industries' application requested a rebate toward installation of a solar electric system at 2500 Secaucus Road, North Bergen and was assigned the number BPU-3016. The Board's November 9 Order authorized Staff of the Office of Clean Energy ("Staff") to issue WY Industries a standard commitment letter setting forth the terms and conditions of rebate commitment. Subsequent to the November 9 Order, on or about August 11, 2008, the Market Manager submitted a memorandum to Staff indicating that the Clean Energy Program had not approved the WY Industries rebate for application numbered BPU-3016, because it had learned that of a previous system installed at 2500 Secaucus Road, North Bergen. The previous application, numbered BPU-1449, was approved for a 680.16 kW system and received a CORE rebate of \$2,497,076.

Applicants may only receive CORE program rebates for the first 700 kW of installed capacity. The CORE program uses a tiered approach to calculating solar rebates, so that the rebate dollars gradually decrease as the installed capacity approaches 700 kW. Because WY Industries' application numbered BPU-1449 was previously approved and received a rebate for a 680.16 kW, its application numbered BPU-3016 was only eligible for a rebate up to the 700 kW limit, or 19.84 kW of installed capacity. Therefore, WY Industries' rebate commitment would have been \$60,512 for application numbered BPU-3016.


In light of this additional information, Staff recommends that the Board modify its November 9 Order pursuant to N.J.S.A. 48:2-40, which provides that "[t]he [B]oard at any time may . . . extend, revoke or modify any order made by it." See, e.g., Sudler v. Environ. Disposal Corp., 219 N.J. Super. 52, 62 (App. Div. 1987). Furthermore, "matters not previously considered or

properly weighed can justify agency reassessment of a determination." In re Trantino Parole Application, 89 N.J. 347, 365 (1984). WY Industries' 680.16 kW system and \$2,497,076 CORE rebate for application number BPU-1449 was not properly weighed at the time of the November 9 Order. Had this information been considered, WY Industries would have only been eligible for 19.84 kW of installed capacity or a rebate of \$60,512 for application numbered BPU-3016.

The Board **FINDS** that WY Industries submitted application number BPU-1449 for a 680.16 kW system installed at 2500 Secaucus Road, North Bergen and received a CORE rebate of \$2,497,076. The Board **FINDS** that applicants to the CORE program may only receive rebates for the first 700 kW of installed capacity. The Board also **FINDS** that application number BPU-1449 was not considered when the WY Industries' application number BPU-3016 for a 149.76 kW system installed at 2500 Secaucus Road, North Bergen was approved for a rebate amount of \$504,268. Therefore, the Board **APPROVES** Staff's recommendation and **HEREBY MODIFIES** the November 9 Order to reflect that WY Industries' application numbered BPU-3016 and docketed as EO07100816 is approved for a rebate for 19.84 kW of installed capacity. The Board **DIRECTS** Staff to have the Market Manager to issue a commitment letter to this project for an estimated rebate of \$60,512.

DATED: 2/11/09

BOARD OF PUBLIC UTILITIES
BY:


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ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities

